

ORIGINAL

EX PARTE OR LATE FILED

July 18, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte

In the Matter of Petition for Partial Reconsideration and/or Clarification of
Sprint Corporation, CC Docket No. 98-147

Dear Ms. Salas:

Verizon Communications (formerly GTE and Bell Atlantic) has obtained a copy of the June 29, 2000, *ex parte* filed by NorthPoint Communications (NorthPoint) and Covad Communications Company (Covad) asking the Commission to immediately "clarify" that its rules do not permit GTE to require collocators to adhere to "maintenance window" procedures designed to protect the security of the central office. The purpose of this letter is to briefly demonstrate that the allegations contained in the *ex parte* are inaccurate and that these issues are implicated in Sprint's petition for reconsideration and in the Court's remand in GTE v. FCC, 205 F.3d 416 (D.C.Cir. 2000). Consequently, it would be inappropriate to deal with these issues outside of the pending proceedings.

COVAD AND NORTHPOINT MISINTERPRET THE COMMISSION'S
ADVANCED SERVICES ORDER.

Covad and NorthPoint open their letter by stating that Commission rules require 24x7 access to their equipment in ILEC central offices. In so doing, however, they present an incomplete representation of the Commission's Advanced Service Order, 14 FCC Rcd 4761 (1999). While the Commission rules require 24x7 access, such access is subject to reasonable security and safety measures. (Advanced Services Order at paras. 8, 42, and 46-50.) Paragraph 46 states in pertinent part as follows:

"We noted that, in the *Local Competition First Report and Order*, the Commission concluded that incumbent LECs should be permitted reasonable security arrangements to protect their equipment and ensure network security and reliability. We recognized that adequate security for both incumbent LECs and competitive LECs is important to encourage deployment of advanced services."

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In addition, the Commission made it clear that

“Incumbent LECs may impose security arrangements that are as stringent as the security arrangements that the incumbent LECs maintain at their own premises either for their own employees or for authorized contractors. To the extent existing security arrangements are more stringent for one group than for the other, the incumbent may impose the more stringent requirements.”

Covad and Northpoint concede that the “maintenance window” procedures that Verizon applies to collocators are the same procedures that it applies to its own employees and contractors. See letter, n.4. This alone proves that Verizon’s “maintenance window” is consistent with the Advanced Services Order.

These procedures, which are common in the industry, are designed to prevent accidents that can affect the safety and reliability of the central office environment. Also referred to as “safe time” practices in the former Bell Atlantic companies, they prohibit non-critical installation activities near working telephone equipment during high traffic hours. Experience has shown that accidental damage to adjacent equipment is most likely to occur when equipment is being installed. For this reason, Verizon allows its own employees to perform only maintenance activities during high traffic hours, and limits installation of new equipment to the late evening hours.

Verizon’s policy is consistent with the requirement in the Advanced Services Order that “[a]n incumbent LEC must allow collocating parties to access their collocated equipment 24 hours a day, seven days a week.” Advanced Services Order, ¶ 49. The Commission explained that it imposed this requirement because, without such access, collocators “will be unable to *service* and *maintain* equipment or respond to customer outages in a timely manner.” *Id.* (emphasis added). Notably, the Commission did not impose a 24/7 requirement for installation activities. Verizon’s “maintenance window” only restricts installation activities, and it does not prevent collocators from accessing their equipment on a 24/7 basis to perform maintenance or restoration activities.

For these reasons, Verizon’s security procedures are fully consistent with the Advanced Services Order, and no “clarification” of the order is necessary regarding these procedures.

COVAD AND NORTHPOINT MISCHARACTERIZE THEIR AGREEMENTS
WITH VERIZON.

Covad and NorthPoint state that the parties clearly understood in the interconnection agreement that work on equipment would likely occur during business hours. Again, the statement is inaccurate, as the following contractual provisions in the Texas GTE/Covad agreement demonstrate:

4.4 Access. Covad shall have access to the Collocation Space twenty-four (24) hours a day, seven (7) days a week, without requiring either a security escort of any kind or delaying a competitor's employees' entry into GTE premises in any way.

4.5 In case of a GTE work stoppage, Covad's employees, contractors or agents will comply with the emergency operation procedures established by GTE. Such emergency procedures should not directly affect Covad's access to its premises, or ability to provide service. Covad will notify GTE's point of contact of any work stoppages by Covad employees.

7.0 SECURITY AND SAFETY REQUIREMENTS

7.1 Reasonable Security Measures. GTE may impose reasonable security measures in addition to those expressly identified in this Section. In some cases, and by mutual agreement, GTE may charge Covad for the additional measures. GTE shall not use any information collected in the course of implementing or operating security arrangements for any marketing or other purpose in aid of competing with other carriers.

7.2 Access Keys. Covad agrees to submit a GTE standard certification of background investigation form for each employee, contractor, or agent provided with Access Keys or cards to a particular GTE central office ("Access Keys"). Covad is not required to provide supporting information such as background investigation forms or other background check information. Covad employees and employees of Covad contractors will be processed, investigated, and determined fit for access on a parity basis with GTE employees and employees of GTE contractors. Determinations of employee fitness for access made by GTE will be applicable to all GTE facilities in all GTE operating areas. Access Keys shall not be duplicated under any circumstances. Covad agrees to be responsible for all Access Keys and for the return of all said Access Keys in the possession of their employees, contractors, guests, or agents after termination of the employment

relationship, applicable contractual obligation, or upon the termination of this Amendment.

7.5 Covad's employees, agents, or contractors with access to GTE wire center(s) or access tandem(s) shall adhere at all times to all applicable laws, regulations and ordinances and to rules of conduct established by GTE for the wire center or access tandem and GTE's employees, agents and contractors. GTE reserves the right to make changes to such procedures and rules to preserve the integrity and operation of GTE network or facilities or to comply with applicable laws and regulations. GTE will provide written notification 30 days in advance of such changes.

These provisions, and similar provisions in the GTE/NorthPoint interconnection agreements, demonstrate that the CLECs' 24x7 access to their interconnection facilities is subject to Verizon's reasonable safety and network security requirements, which by definition include the "maintenance window" procedures.

As noted in Section 7.5 of the agreement, the collocators agreed that their personnel would be subject to reasonable changes in Verizon's security procedures that apply to Verizon's own employees and contractors as necessary to protect the integrity of the network. Covad and Northpoint recognize that Verizon's recent emphasis on enforcement of the maintenance window procedures for collocators as well as for its own employees and contractors resulted from a recent incident that caused damage to central office equipment in Texas. When such an incident occurs, it is not only prudent, but expected, that a carrier will reexamine its security procedures and take action to prevent similar accidents from recurring. Accordingly, Verizon reminded its central office personnel, as well as the collocators, of the importance of the maintenance window procedures.

Attached hereto is a copy of the proposal Verizon submitted to NorthPoint and Covad to provide further specificity concerning maintenance window restrictions. The list clearly specifies that only high-risk work that is in close proximity to in-service, critical equipment, especially the Achilles heel of central office equipment – the back plane – is restricted. Verizon is currently performing a review to document its position that the Maintenance Window Policy would affect less than 10% of CLEC cageless collocation installations.

THE RELIEF REQUESTED BY COVAD AND NORTHPOINT WOULD
INTERFERE WITH ONGOING RULEMAKING PROCEEDINGS.

The request of Covad and Northpoint for "clarification" of the Commission's rules on collocator access would interfere with the pending proceedings in the above-referenced docket. As recognized by Covad and Northpoint, Bell Atlantic raised the issue of its "safe time" procedures in relation to Sprint's petition for reconsideration, which requested that the Commission modify its collocation rules to allow "commingling" of collocator and LEC equipment. See letter, n.7. Bell Atlantic explained that such commingling would limit the ability of collocators to install equipment, since the "safe time" restrictions prevent collocators from installing equipment during peak periods if the equipment is within 10 feet of working telephone company equipment. This is one reason why commingling would be counterproductive and should not be required. In addition, the Court vacated and remanded the Commission's rules prohibiting the incumbent local exchange carriers from requiring collocators to place their equipment in separate rooms or floors. This makes the issue of the "maintenance window" moot, since it does not apply to equipment separated by walls or floors from working telephone company equipment. For these reasons, Commission cannot "clarify" its rules concerning practices such as the maintenance window until it resolves the Sprint reconsideration petition and the related remand proceedings.


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In conclusion, there is no merit to the claims that Verizon's " maintenance window" procedures are inconsistent with the Commission's rules, and any action on the request for "clarification" would be inappropriate in light of the pending rulemaking and remand proceedings.

Respectfully submitted,

Verizon Communications and its affiliated domestic telephone operating companies

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The attached document was an attachment to an email sent to Covad and NorthPoint by GTE on June 20, 2000. The document is GTE's latest attempt to revise its maintenance window policy in a manner consistent with all parties' interests.

A. The following activities may be performed at any time.

EQUIPMENT

Inventory equipment
Verify that the floor is level
Mark holes for proper equipment location
Close cable openings
Bar code equipment

INSTALLATION

Insert circuit cards

LABELING

Label equipment
Label / Tag cables
Label CLEC name and contact # on equipment
Label fuses
Label shelves

TESTING

Test Spare cards
Test and turn up of Equipment
Test equipment software

MAINTENANCE / MISCELLANEOUS

Change equipment filters
Housekeeping activities
Upgrade software version

- B. The following activities may be performed at any time, provided GTE's critical, in-service equipment* is located greater than 26 inches away.

EQUIPMENT

Secure and anchor equipment bays

INSTALLATION

Install Isolation Hardware

Mount Fuse panel

Place backplane covers

Perform all strapping options

Install floor anchors

Install cable racking, grid, trough

Mount equipment shelves

Mount terminal blocks in bays

CABLING

Connect Ground Cables

Connect unfused Power cables

Connect DS0, DS1, DS3 cables

Connect BITS Clock cable

Butt, strip and fan cables

Install Amphenol connectors on cables

Perform all peripheral equipment cabling

Run, secure and terminate all inter bay cabling

Terminate cables to back plane

Apply Heat shrink

Crimping connectors

TESTING

Test fiber cables

Test alarms

Test cable continuity

Take noise measurements

- C. The following activities may be performed at any time, provided GTE's critical, in-service equipment* is located greater than 26 inches away and there is no critical equipment located downstairs, directly below.

INSTALLATION

Floor drilling

- D. The following activities may be performed at any time, using GTE's designated staging area, if available, on a temporary basis during equipment installation work in the collocation space.

EQUIPMENT

Delivery of equipment
Receive equipment
Uncrate equipment
Stage equipment

- E. The following activities are restricted to the 10 PM to 6 AM GTE Maintenance Window.

EQUIPMENT

Initial fusing / power up of equipment

CABLING

Running cable above in-service equipment

***Critical Equipment List**

(Includes but not limited to:)

Switching Equipment: (5ESS, GTD5, DMS100, DMS10, DCO, DWDS, Frame Relay, ATM, etc.)

Transport Equipment: (SONET, Fiber, Microwave Radio, DS3 Multiplexer, Channel Banks, etc.)

Digital Cross Connect Equipment: (DEXCS, DACS II, DACS IV, Tellabs, TITAN 5500, etc.)

SS7 Network Hardware

911 Emergency Hardware: (PSAP, etc.)

Power Equipment: (PDU, BDFB, Rectifiers, Batteries, etc.)